

REMARKS

The Office Action mailed November 1, 2007 has been received and reviewed. Each of claims 1–16 and 18–31 stand rejected. Claims 1, 16, 26, and 27 have been amended herein. Support for the amendments may be found in the Specification, for instance, at ¶¶ [0032]–[0033], [0037], [0039], [0044]–[0047], FIG. 8, and FIG. 10. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 102

A.) Applicable Authority

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

B.) Anticipation Rejection Based on US Publ. 2002/0149705 (“Allen”)

Claims 16, 18–19, and 21–25 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Allen. As Allen does not describe, either expressly or inherently, each every element of the rejected claims, Applicants respectfully traverse the rejection as hereinafter set forth.

Independent claim 16, as currently amended, recites a method for providing a system user a unique reference to manage a collection of components, i.e., electronic devices,

owned by the system user. The method comprises, among other things, generating a unique reference for the system user wherein the unique reference is required to access a unique identity belonging to the system user; permitting access to the unique identity belonging to the system user through the unique reference, wherein the unique identity comprises a plurality of components and the plurality of components are defined to include a plurality of electronic devices; allowing the system user to alter any one of the plurality of components without altering the unique reference; and providing the system user with tools for regulating access to the plurality of components such that selected known identities have access to selected components of the plurality of components, wherein the selected components of the plurality components are authorized, by the system user, to accept electronic communications from the selected known identities wherein the unique reference is required to be used by the selected known identities to communicate with the selected components.

Allen is directed to a hybrid communicator/remote control that is configured to display a contact list. The contact list of Allen includes an address for establishing a two-way communication with a particular contact in the contact list. *See generally Allen at Abstract.* It is respectfully submitted that Allen fails to describe a plurality of components that are defined to include a plurality of electronic devices. The Office cited ¶¶ [0095]-[0096] of the Non-Final Office Action stating that “contact including identifiers” describes a plurality of components that are defined to include a plurality of electronic devices. *See Non-Final Office Action* at p.3. To the contrary, the identifiers referred to in Allen include visual and verbal identifiers to allow the user to select a specific contact from the contact list. *See Allen at ¶¶[0095]-[0096].* Further, the Office stated in rejection of independent claim 1 that “in the case, inherency regarding ‘wherein the authorized identities are associated with a plurality of electronic devices’ are found not to be

supported by Allen et al.” *See Non-Final Office Action* at p. 8, ¶ 2. Because a unique identity comprises a plurality of components and the plurality of components are defined to include a plurality of electronic devices the Office’s finding that Allen does not inherently describe authorized identities [that] are associated with a plurality of electronic devices shows that Allen does not anticipate this element.

Additionally, it is respectfully submitted that Allen fails to describe providing the system user with tools for regulating access to the plurality of components such that selected known identities have access to selected components of the plurality of components. The Office references ¶¶[0092], [0095], and [0100] of Allen stating that “user selecting desired contacts/identifiers” anticipates providing the system user with tools for regulating access to the plurality of components such that selected known identities have access to selected components of the plurality of components. *See Non-Final Office Action* at p. 4. Paragraph [0092] of Allen describes adding additional contacts to the contact list from an external device. Paragraph [0095] of Allen describes visual identifiers that are associated with a contact in the contact list. Paragraph [0100] describes calling a contact from the contact list by using the display of the hybrid communicator/remote control. Independent claim 16 of the present application, in part, regulates access to the components associated with a first user such that only identified users may access the electronic devices of the first user. Allen, as cited, instead describes adding a contact to a contact list, then associating a visual identifier with that contact, then calling a contact using a display. It is respectfully submitted that Allen does not anticipate providing the system user with tools for regulating access to the plurality of components such that selected known identities have access to selected components of the plurality of components.

Additionally independent claim 16, as amended, includes generating a unique reference for the system user wherein the unique reference is required to access a unique identity belonging to the system user. Allen describes adding contact to a contact list where each contact can have a visual and/or verbal identifier associated therewith. *See generally Allen at ¶¶[0092] and [0095]-[0096].* Even if, but without conceding, the visual and/or verbal identifier of Allen is a unique reference for a given contact on the contact list, the invention of Allen does not a) generate the indicator nor b) require an indicator to access a unique identity belonging to the system user. Instead the indicator allows a user to easily select a contact from the contact list. *See generally Allen at [0096].*

Accordingly, it is respectfully submitted that the Allen reference fails to describe, either expressly or inherently, each and every element of independent claim 16. Moreover, the Allen reference fails to show the identical invention in as complete detail as contained in the claims. Thus, it is respectfully submitted that claim 16, as amended herein, is not anticipated by the Allen reference. Therefore, withdrawal of the 35 U.S.C. § 102(e) rejection of claim 16 is respectfully requested.

Each of claims 18-19, and 21-25 depends directly from amended independent claim 16. As such, it is respectfully submitted that the Allen reference fails to describe, either expressly or inherently, each and every element of these claims for at least the above-cited reasons. Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection of claim 18, 19, 21, 22, 23, 24, and 25 is respectfully requested.

Rejections under 35 U.S.C. §103(a)

A.) Applicable Authority

35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivation found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, that “it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, No. 04-1350, 550 U.S. 1727 (2007).

B.) Obviousness Rejection Based on Allen *et al* in view of U.S. Publication No. 2003/0041048 A1 (“Balasuriya”) further in view of U.S. Patent No. 6,359,970 (“Burgess”)

Although the Non-Final Office Action indicated that claims 1-6, 8-15, 20, and 28 stand rejected under 35 U.S.C. § 102(e), because the Office in the Non-Final Office Action included the rejection of claims 1-6, 8-15, 20, and 28 in the section titled 35 U.S.C. § 103 and multiple references were viewed in light of one another to form the basis of the rejection, the response will be directed to a 35 U.S.C. § 103(a) rejection. Claims 1-6, 8-15, 20, and 28 were therefore rejected as being unpatentable over Allen *et al.* in view of Balasuriya further in view of Burgess. As the asserted combination of references fails to teach or suggest all of the limitations set forth in the rejected claims, Applicants respectfully traverse the rejection as hereinafter set forth.

Independent claim 1, as amended, recites a method for providing an identity owner a unique identity to manage a collection of electronic devices owned by the identity owner. The method comprises, among other things, A method for providing electronic communications management capability for managing a unique identity owned by an identity owner, wherein the unique identity is accessible through an associated unique reference. The method is comprised of providing identity access tools for allowing the identity owner to select a set of authorized identities that have rights to communicate with the identity owner, wherein the authorized identities are associated with a plurality of electronic devices; providing device selection tools for allowing the identity owner to select at least one electronic device for reception of communications, wherein the at least one electronic device is authorized, by the identity owner, to accept communications from the authorized identities based on at least one of a time associated with the communications or a format associated with the communications; and

generating the unique reference that is associated with the identity owner wherein the unique reference is required for the authorized identities to communicate with the identity owner using the plurality of electronic devices associated with the authorized identities.

Allen is directed to a hybrid communicator/remote control that is configured to display a contact list. The contact list of Allen includes an address for establishing a two-way communication with a particular contact in the contact list. *See generally Allen* at Abstract. It is respectfully submitted that Allen fails to teach or suggest providing identity access tools for allowing the identity owner to select a set of authorized identities that have rights to communicate with the identity owner. The Office references ¶¶ [0063]-[0066], [0091]-[0092], FIG. 5, and Claim 10 of Allen to support rejection of independent claim 1. It is respectfully submitted that ¶¶ [0063]-[0066] describe various ways of adding a contact to a contact list of the hybrid communication/remote control of Allen. Several of the ways to add a contact described in Allen include the manual entry of a contact, the selection from a list of contacts, selection from a communication history, and linking electronically with a PDA, cellular telephone, a computer, or another hybrid communicator/remote control. *See generally Allen* at ¶¶ [0063]-[0066]. Paragraphs [0091]-[0092] of Allen describe the components that may be utilized to add contacts to the contact list. The components include a communication selection components and a contact entry component. *See generally, Allen* at ¶¶ [0091]-[0092]. It is respectfully submitted that Allen fails to teach or suggest providing identity access tools for allowing the identity owner to select a set of authorized identities that have rights to communicate with the identity owner. Instead, Allen describes adding contacts to a contact list through various ways. Allen does not allow the user to select which of the contacts on the contact list have rights to communicate with the user.

Additionally, amended independent claim 1 recites, in part, generating the unique reference that is associated with the identity owner wherein the unique reference is required for the authorized identities to communicate with the identity owner using the plurality of electronic devices associated with the authorized identities. It is respectfully submitted that Allen fails to teach or suggest generating a unique reference that is associated with the identity owner and the unique reference is required for an authorized identity to contact the identity owner using the plurality of electronic devices associated with the authorized identities. As previously mentioned, Allen is directed to a hybrid communicator/remote control that is configured to display a contact list. The contact list of Allen includes an address for establishing a two-way communication with a particular contact in the contact list. *See generally Allen* at Abstract. Allen does describes assigning a verbal and/or visual indicator to a contact to easily identify that contact on a contact list. *See generally Allen* at ¶¶ [0095]-[0096]. But the assigned verbal and/or visual indicator that is assigned to a contact in the contact list of Allen is not required for authorized identities to communicate with an identity owner. Instead, the verbal and/or visual indicator allow an individual to easily select a contact from the list. *See Allen* at ¶ [0096]. Therefore, Allen fails to teach or suggest all of the limitations of amended independent claim 1.

Balasuriya is directed to a method and system for managing incoming communications based on at least a schedule database and a rules database. *See generally Balasuriya* at ¶[0011]. It is respectfully submitted that Balasuriya fails to teach and suggest generating a unique reference that is associated with the identity owner wherein the unique reference is required for the authorized identities to communicate with the identity owner using the plurality of electronic devices associated with the authorized identities. Balasuriya describes entering information related to each calling party, i.e., caller ID mapping. Caller ID mapping

allows the system of Balasuriya to identify incoming callers according to caller ID. *See Balasuriya at ¶ [0023].* The caller ID mapping of Balasuriya allows for manual input methods such as “the caller entering a personal identification number (PIN)...” *Id.* The PIN is used to identify the *incoming caller*, the PIN is not associated with the unique identity of the identity owner. Additionally, the PIN of Balasuriya is not generated, but rather it is supplied by the incoming caller and the PIN is not required for an authorized identity to communicate with the identity owner. Therefore, Balasuriya fails to cure the deficiencies of Allen.

Burgess is directed to apparatus and methodology for permitting a user to control incoming communications. *See generally Burgess at Col. 1, lines 12-14.* Burgess teaches matching incoming caller identification information to a record having caller identification information. *See Burgess at Col. 2, lines 50-53.* The matching of caller identification information to a record fails to teach or suggest generating a unique reference that is associated with the identity owner wherein the unique reference is required for the authorized identities to communicate with the identity owner using the plurality of electronic devices associated with the authorized identities. Additionally, Burgess teaches caller dependent Caller ID data such as caller personal data, speaker dependent voice data, or video data. *See Burgess at Col. 5, lines 9-20.* Both the caller identification information and the dependent Caller ID data of Burgess are based on the characteristics of the incoming caller and not associated with the identity owner. Also, the caller identification information and the dependent Caller ID data of Burgess are not generated instead they are supplied by the incoming communication. Therefore, Burgess fails to cure the deficiencies of Allen.

Accordingly, it is respectfully submitted that Allen as modified by Balasuriya, and further modified by Burgess does not teach or suggest “generating a unique reference that is

associated with the identity owner wherein the unique reference is required for the authorized identities to communicate with the identity owner using the plurality of electronic devices associated with the authorized identities” as recited in amended independent claim 1. Thus, Applicants respectfully submits that the Allen, Balasuriya, and Burgess, either alone or in combination, fail to fairly teach or suggest all limitations of independent claim 1. Therefore, a *prima facie*, case of obviousness has not been established for independent claim 1 and , accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Dependent claims 2–6 and 8–15 further define novel features of the invention of independent claim 1 and each depend, either directly or indirectly, from independent claim 1. Accordingly, for at least the reasons set forth above with respect to independent claim 1, dependent claims 2–6 and 8–15 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, withdrawal of the obviousness rejection and allowance of dependent claims 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13 ,14, and 15 are respectfully requested.

Dependent claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Balasuriya, and in further view of Burgess. Applicant respectfully traverses the rejection because Allen, Balasuriya, and Burgess fail to teach or suggest all elements of independent claim 16.

Dependent claim 20 depends indirectly from independent claim 16. It is respectfully submitted that Allen does not teach all of the elements of independent claim 16. In particular Allen fails to teach or suggest, in part, generating a unique reference for the system user wherein the unique reference is required to access a unique identity belonging to the system

user. Allen describes adding contact to a contact list where each contact can have a visual and/or verbal identifier associated therewith. *See generally Allen at ¶¶[0092] and [0095]-[0096].* Even if, but without conceding, the visual and/or verbal identifier of Allen is a unique reference for a given contact on the contact list, the invention of Allen does not a) generate the indicator nor b) require the indicator to access a unique identity belonging to the system user. Instead the indicator allows a user to easily select a contact from the contact list. *See generally Allen at [0096].* Accordingly, claim 20 is patentable over Allen for at least the above-cited reasons. As previously discussed, the addition of Balasuriya and Burgess fails to cure the deficiencies of Allen with respect to the elements of claim 16. As such, withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claim 20 is respectfully requested.

C.) Obviousness Rejection Based on Allen in view of Balasuriya

Claims 26-27 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen *et al.* in view of Balasuriya. As the asserted combination of references fails to teach or suggest all of the limitations set forth in the rejected claims, Applicants respectfully traverse the rejection as hereinafter set forth.

Independent claim 26, as amended, recites a system for allowing a user having a unique identity to manage communications, wherein the unique identity is associated with a plurality of electronic devices. The system is comprised, in part, of a service for generating and assigning a unique reference to a user's unique identity, wherein an authorized identity can access the user's unique identity to communicate with the user only by using the unique reference; permission controls for allowing the user to control access to the unique identity by restricting authorization to a selected set of other identities; and preference controls for allowing

the user to select at least one associated device from a plurality of associated devices for receiving communication upon an access attempt by an the authorized user using the unique reference.

Independent claim 26, as amended, recites, in part, a service for generating and assigning a unique reference to a user's unique identity, wherein an authorized identity can access the user's unique identity to communicate with the user only by using the unique reference. Allen fails to teach or suggest, at least, a) a service for generating and assigning a unique reference to a user's unique identity, b) wherein an authorized identity can access the user's unique identity to communicate with the user only by using the unique reference. The Office referenced ¶ [0065] of Allen in the Non-Final Office Action as support. Paragraph [0065] of Allen teaches the telephone number or other address of the contact may be obtained by a caller identification feature of the telephone network or an equivalent feature within the Internet-based telephone system. The cited reference does not teach or suggest a service for generating and assigning a unique reference. Additionally, Allen does not teach or suggest a unique reference that is required for other users to access the user's unique identity to communicate with the user. The invention in Allen does not generate the telephone number or the address instead it obtains the telephone number or address from a caller identification feature of the telephone network. *See Allen* at ¶ [0065]. Therefore Allen fails to teach or suggest all of the limitations of amended independent claim 26.

It is respectfully submitted that Balasuriya fails to overcome the deficiencies of Allen. Balasuriya describes a system for selecting and executing an action in a communication node, wherein the communication node has access to a schedule database and a rules database. *See Balasuriya* at Abstract. Balasuriya fails to teach and suggest, in part, a service for generating

and assigning a unique reference to a user's unique identity, wherein an authorized identity can access the user's unique identity to communicate with the user *only* by using the unique reference. Balasuriya describes entering information related to each calling party, i.e., caller ID mapping. Caller ID mapping allows the system of Balasuriya to identify incoming callers according to caller ID. *See Balasuriya at ¶ [0023].* The caller ID mapping of Balasuriya allows for manual input methods such as "the caller entering a personal identification number (PIN)..." *Id.* The PIN is used to identify the *incoming caller*, the PIN is not associated with the unique identity of the identity owner. Additionally, the PIN of Balasuriya is not generated and assigned to the user's unique identity, but rather it is supplied by the incoming caller. Therefore, Balasuriya fails to cure the deficiencies of Allen.

Accordingly, it is respectfully submitted that Allen as modified by Balasuriya does not teach or suggest "a service for generating and assigning a unique reference to a user's unique identity, wherein an authorized identity can access the user's unique identity to communicate with the user only by using the unique reference" as recited in amended independent claim 26. Thus, Applicants respectfully submits that the Allen and Balasuriya, either alone or in combination, fail to fairly teach or suggest all limitations of independent claim 26. Therefore, a *prima facie*, case of obviousness has not been established for independent claim 26 and , accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Each of claims 27 and 29-31 depends, either directly or indirectly, from amended independent claim 26, which claim was discussed hereinabove. Thus, Applicants respectfully submit that Allen and Balasuriya, either alone or in combination, fail to teach and suggest all of the limitations of dependent claims 27, 29, 30, and 31. Therefore, a *prima facie* case of

obviousness has not been established for these claims and, accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

D.) Obviousness Rejection Based on Allen in view of Balasuriya further in view of Burgess

Claim 28 depends directly from amended independent claim 26, which claim was discussed hereinabove. Thus, Applicants respectfully submit that Allen and Balasuriya either alone or in combination, fail to teach and suggest all of the limitations of dependent claim 28. Burgess fails to cure the deficiencies of Allen in view of Balasuriya. Therefore, a *prima facie* case of obviousness has not been established for this claim and, accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

E.) Obviousness Rejection Based on Allen in view of Burgess further in view of U.S. Patent No. 6895257 ("Bowman")

Claim 7 depends directly from amended independent claim 1, which claim was discussed hereinabove. It is respectfully submitted that the addition of Bowman does not overcome the deficiencies of Allen in view of Burgess as previously discussed. Thus, Applicants respectfully submit that Allen, Burgess, and Bowman either alone or in combination, fail to teach and suggest all of the limitations of dependent claim 7. Therefore, a *prima facie* case of obviousness has not been established for this claim and, accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

CONCLUSION

For the reasons stated above, claims 1-16 and 18-31 are believed to be in condition for allowance. Applicants respectfully request entry of the proposed amendments, withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or cwfisher@shb.com (such communication via email is herein expressly granted) – to resolve the same.

It is believed that no fee is due in conjunction with the present communication. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112 referencing attorney docket number MFCP.101281.

Respectfully submitted,

/Cory W. Fisher/

Cory W. Fisher
Reg. No. 59,366

CWF/drB

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550